

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Paulus WOHLFART et al.) Prior Application:
)
Continuation of Application No.: 10/073,330) Group Art Unit: 1614
)
Filed: July 22, 2003) Examiner: Raymond J. Henley III
)
For: 4-FLUORO-N-INDAN-2-YL)
BENZAMIDE AND ITS USE AS A)
PHARMACEUTICAL)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed concurrently with a new application.

The listed documents were submitted by Applicants in parent application no. 10/073,330, to which Applicants claim the benefit of priority under 35 U.S.C. § 120. Copies of the listed documents can be found in parent application no. 10/073,330.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 22, 2003

By: Carol P. Einaudi
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INFORMATION DISCLOSURE CITATION

Atty. Docket No.	02481.1828-01000	Appln. No.	Continuation of Application No. 10/073,330
Applicant	Paulus WOHLFART et al.		
Filing Date	July 22, 2003	Group:	1614 (prior application)

U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate

FOREIGN PATENT DOCUMENTS

	Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
	WO 99/47153 A2	9/23/99	PCT			
	WO 99/47153 A3	9/23/99	PCT			
	WO 00/03746	1/27/00	PCT			
	WO 00/51970	9/8/00	PCT			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Matthias Endres et al., Stroke protection by 3-hydroxy-3-methylglutaryl (HMG)-CoA reductase inhibitors mediated by endothelial nitric oxide synthase, Proc. Natl. Acad. Sci. USA, July 1998, Vol. 95, pp. 8880-8885
	Huige Li et al., Activation of Protein Kinase C α and/or ϵ Enhances Transcription of the Human Endothelial Nitric Oxide Synthase Gene, Molecular Pharmacology (1998) 53:630-637
	M. F. McCarty, Up-regulation of endothelial nitric oxide activity as a central strategy for prevention of ischemic stroke - Just say NO to stroke!, Medical Hypotheses (2000) 55(5), 386-403
	Masao Moroi et al., Interaction of Genetic Deficiency of Endothelial Nitric Oxide, Gender, and Pregnancy in Vascular Response to Injury in Mice, The Journal of Clinical Investigation, March 1998, Vol. 101, No. 6, 1225-1232

Examiner	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Masafumi Nakayama et al., T ⁷⁸⁶ →C Mutation in the 5' -Flanking Region of the Endothelial Nitric Oxide Synthase Gene Is Associated With Coronary Spasm, Clinical Investigation and Reports (1999) 2864-2870
	William C. Sessa et al., Chronic Exercise in Dogs Increases Coronary Vascular Nitric Oxide Production and Endothelial Cell Nitric Oxide Synthase Gene Expression, Circulation Research, 1994, Vol. 74, No. 2, 349-353
	Olivier Varenne et al., Percutaneous Gene Therapy Using Recombinant Adenoviruses Encoding Human Herpes Simplex Virus Thymidine Kinase, Human PAI-1, and Human NOS3 in Balloon-Injured Porcine Coronary Arteries, Human Gene Therapy (June 10, 2000) 11:1329-1339

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